IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Misc. Civil Application No.838 of 2006
IN
Writ Petition No. 3398 of 1999 [decided]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. M.P. Khajanchi, Advocate for the Applicant.
Mr. J.B. Jaiswal, AGP for respondent nos. 1 and 2.

CORAM : A.H. JOSHI, J.

DATED : 28th November, 2006.

1. Heard.

2. This Court, by its Judgment and Order dated 22nd June, 2005, heard and disposed of Writ Petition No. 3398 of 1999, and discharged Rule.

3. The order, that was challenged in the Writ Petition, was passed by Additional Commissioner, Nagpur, in Revenue Appeal No. LND-10/Kurkheda-2/96-97. By this order, the order passed by the Additional Collector, Gadchiroli, dismissing the petitioner's application and directing the parties to get their rights settled in Civil Court, was confirmed.

4. In the Review Application, emphasis is given on the observations contained in para 4 of the Judgment of this Court, where this Court has observed that the issue of title is already decided in Regular Civil Appeal No. 1 of 2001.

5. The order sought to be reviewed cannot be shown to be based on error apparent on the face of record. This Court has simply declined to interfere. No indulgence is called for.

6. Considering the fact that this Court has declined to interfere in the matter where the Revenue Authorities directed the parties to go to Civil Court for adjudication, the observations contained in para 4 of the Judgment cannot be read to prejudice the petitioner.

7. In the civil proceedings, which the petitioner may resort, it would always be open for the plaintiff to say that decree in earlier suit is not binding on him as he was not party or he does not claim through the parties to said suit, or on other grounds available to him in law.

8. With above clarification, the Review Application is, therefore, dismissed.

Judge

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